

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Blanche M. Manning	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	08 C 3525	DATE	June 26, 2008
CASE TITLE	<i>Breen v. Sirva Relocation</i>		

DOCKET ENTRY TEXT:

The complaint is dismissed without prejudice based on the failure to properly establish that diversity jurisdiction is proper. The plaintiffs may file an amended complaint by July 15, 2008, addressing the concerns raised in this order.

■ [For further details see text below.]

STATEMENT

The plaintiff's complaint invokes diversity of citizenship grounds. *See* 28 U.S.C. § 1332. The court has reviewed the jurisdictional allegations in the complaint pursuant to *Wisconsin Knife Works v. National Metal Crafters*, 781 F.2d 1280, 1282 (7th Cir. 1986) ("the first thing a federal judge should do when a complaint is filed is check to see that federal jurisdiction is properly alleged").

In order for the court to have diversity jurisdiction over a case, the complaint must allege that (1) the amount in controversy exceeds \$75,000, exclusive of costs and interest and (2) the parties are completely diverse. 28 U.S.C. § 1332. For the purposes of diversity jurisdiction, the citizenship of a LLC turns on the citizenship of its partners. *See, e.g., Wise v. Wachovia Securities, LLC*, 450 F.3d 265, 267 (7th Cir. 2006). The complaint alleges that defendant Sirva Relocation is a Delaware LLC with its principal place of business in Ohio. This is insufficient, as the complaint must identify the members of the defendant LLC and provide complete citizenship information for each member. *See id.*; *see also Guaranty National Title Co. v. J.E.G. Associates*, 101 F.3d 57 (7th Cir. 1996) (because the record must affirmatively establish the citizenship of every party, a complaint must specify the identity and citizenship of each party). Accordingly, the complaint is dismissed without prejudice based on the failure to properly establish that diversity jurisdiction is proper. The plaintiffs may file an amended complaint by July 15, 2008, addressing the concerns raised in this order.

Courtroom Deputy
Initials:

RTH/c